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7 IN THE UNITED STATES DISTRICT COURT FOR THE
8 EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,) CR. NO. 03-215-WBS KJM P
Respondent/Plaintiff,)
10 v.)
DAVID R. KING,) MOTION RE EXTENSION OF TIME
Movant/Defendant.) AND RE BRIEFING SCHEDULE AND
12 ORDER

13
14 **MOTION**

15 On 4/29/2008, this Court directed the United States to file a
16 response brief in answer to movant/defendant's 2255 motion (filed
17 on 1/30/2008). The United States' response brief is presently due
18 on or before 6/30/2008. CR 313.

19 HEREBY, the United States respectfully moves that the briefing
20 schedule be modified as follows: (1) United States Opposition to
21 2255 Motion due 9/30/2008; and (2) movant/defendant's Reply, if
22 any, due 10/30/2008.

23 This motion for extension of time is supported by the
24 accompanying declaration of the undersigned federal prosecutor.

25 June 24, 2008

MCGREGOR W. SCOTT
United States Attorney

26 /s/Michelle Rodriguez
27 by: _____
MICHELLE RODRIGUEZ
28 Assistant U.S. Attorney

ORDER

For the reasons set forth above and in the accompanying Declaration of AUSA Michelle Rodriguez, the briefing schedule in the above-entitled case will be modified as follows:

(1) United States' Opposition to Petitioner's 2255 Motion is due 9/30/2008; and

(2) movant/defendant's Reply, if any, due 10/30/2008.

IT IS SO ORDERED.

DATED: July 11, 2008.



U.S. MAGISTRATE JUDGE

DECLARATION

1
2 1. I, Michelle Rodriguez, declare the following to be true
3 and correct.

4 2. I am an Assistant United States Attorney in the Eastern
5 District of California. On 4/29/2008, I received this Court's
6 Order directing the United States to answer King's 2255 Motion.

7 3. From 4/29/2008 to date, I have been involved in numerous
8 complaints, indictments, sentencing hearings, and related
9 documentation. I have also responded to a multi-claim 2255 motion
10 in an unrelated case. Nevertheless, during this period, I have
11 ordered transcripts necessary to respond to King's 2255 motion.
12 These transcripts may not be completed until July/August 2008.

13 4. Due to the number of so-called "grounds" set forth in
14 King's 2255 motion, it will also be necessary to again review
15 significant portions of the file in this matter. The file is
16 extremely voluminous (involving hundreds of pages of trial
17 transcripts) and the underlying proceedings spanned several years.

18 5. From 8/25/2008 through 9/8/2008, I cannot work on this
19 matter as I will be physically out of my office (intended leave).

20 6. I believe that the requested approx 90 day extension
21 (first such request) will allow the United States the necessary
22 time to obtain and review relevant and necessary files and
23 transcripts, and to prepare an accurate and appropriate response.

24 7. I declare under the penalties of perjury that the
25 foregoing is true and correct to the best of my knowledge.

26 Executed 6/24/2008, at Sacramento, California.

27 /s/ Michelle Rodriguez

28

MICHELLE RODRIGUEZ
Assistant U.S. Attorney